

SUPPLEMENTAL REMARKS

Rejections under 35 U.S.C. §112

Please see our reply dated February 2, 2009, for remarks regarding the rejections under 35 U.S.C. §112, first paragraph.

Rejections under 35 U.S.C. §101

Please see our reply dated February 2, 2009, for remarks regarding the rejections under 35 U.S.C. §101.

Rejections under 35 U.S.C. §103(a)

We appreciate the Examiner's phone message of April 24, 2009, addressing our concern that the rejections were potentially over "Jain" instead of "Main" as stated in the reasons for rejection. As it turns out, the Jain patent number is just two transposed digits from the Main patent, so our retrieved copy was of the wrong reference, US 5,893,095 (Jain), instead of 5,893,905 (Main).

We apologize for the confusion, as the error was clearly on our part, not the Examiner's. We respectfully request the Examiner to consider our revised arguments which are directed to the correct combination of references.

With respect to the rejections under 35 U.S.C. §103(a) over Benjamin in view of Main in further view of Shoquist, we respectfully disagree with and traverse each holding of the rationale for the rejection.

Cited References Do Not Teach OLTP-Related Claim Elements and Limitations. Neither Benjamin, Main or Shoquist teach or suggest receipt of self-reports from an Online Transaction Processing (OLTP). Main was held to disclose "batch jobs", which is not the same as an OLTP system in which each transaction is processed individually. For example, according to TechTarget.com as of 01/30/2009, OLTP is defined as:

OLTP (online transaction processing) is a class of program that facilitates and manages transaction-oriented applications, typically for data entry and retrieval transactions in a number of industries, including banking, airlines, mailorder, supermarkets, and manufacturers. Probably the most widely installed OLTP product is IBM's CICS (Customer Information Control System).

Today's online transaction processing increasingly requires support for transactions that span a network and may include more than one company. For this reason, new OLTP software uses client/server processing and brokering software that allows transactions to run on different computer platforms in a network.

But, according to the same source, "batch jobs" are defined as:

In a computer, a batch job is a program that is assigned to the computer to run without further user interaction. Examples of batch jobs in a PC are a printing request or an analysis of a Web site log. In larger commercial computers or servers, batch jobs are usually initiated by a system user. Some are defined to run automatically at a certain time.

In some computer systems, batch jobs are said to run in the background and interactive programs run in the foreground. In general, interactive programs are given priority over batch programs, which run during the time intervals when the interactive programs are waiting for user requests.

The term originated with mainframe computers when punched cards were the usual form of computer input and you put a batch of cards (one batch per program) in a box in the sequence that they were to be fed into the computer by the computer operator. (Hopefully, you got the output back the next morning.)

We believe that those ordinarily skilled in the art would recognize a fundamental difference between a transaction-oriented mode of computing such as OLTP, and a batch-oriented mode of computing such as a batch job. Since Benjamin, Main and Shoquist are collectively silent regarding OLTP, we request allowance of our claims.

Cited Art Does Not Teach Our Sub-ratings. Benjamin, Main and Shoquist are also silent regarding determining sub-ratings selected from a group comprising percentage of jobs completed, percentage of jobs completed within specified time constraints, an interactiveness rating, and a cost compliance rating. It was held that Benjamin teaches a sub-rating based on results accuracy, which we have deleted from the presented Markush group. Results accuracy is not the same as percentage of jobs completed, percentage of jobs completed within specified time constraints, an interactiveness rating, or a cost compliance rating.

Causal Relationship Between Separately-taught Elements Not Anticipated by Cited References. Please note also that we have amended the second element of Claim 14 to include a functional responsive link between the first element and the second element which is not taught by either Main or Benjamin. While Main and Benjamin are held to teach these elements and limitations separately and in different relationships to each other, neither Main nor Benjamin teaches this functional relationship between these two steps.

For these reasons, we respectfully request allowance of Claims 14 and 40 - 43.

New Claims

We are presenting new claims 40 - 43 which correspond to the steps and limitations presented in Claim 14, although they are directed towards computer memory and system embodiments according to our invention. We respectfully request allowance of Claims 40 - 43.

Request for Indication of Allowable Subject Matter

We believe the present amendment places the remaining claim in condition for allowance. If, for any reason, it is believed that the claims are not in a condition for allowance, we respectfully request constructive recommendations per MPEP 707.07(j) II which would place the claims in condition for allowance without need for further proceedings. We will respond promptly to any Examiner-initiated interviews or to consider any proposed examiner amendments.

Respectfully,

A handwritten signature in black ink that reads "Robert Frantz". The signature is written in a cursive, flowing style. It is flanked by two large, stylized forward slashes (/) on either side.

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